



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Gary K. Michelson, M.D.)
)
Serial No.: (Cont. of 09/734,303)) (Group Art Unit: 3731)
)
Filed: February 27, 2002) (Examiner: U. Ho)
)
For: MILLING INSTRUMENTATION)
AND METHOD FOR PREPARING A)
SPACE BETWEEN ADJACENT)
VERTEBRAL BODIES)

#3

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Copies of the following listed documents are attached:

1. U.S. Patent No. 3,384,085 issued May 21, 1968 to Hall;
2. U.S. Patent No. 5,439,005 issued August 8, 1995 to Vaughn; and
3. U.S. Patent No. 5,484,437 issued January 16, 1996 to Michelson.

Copies of the remaining listed documents were previously submitted in a prior application, Serial No. 09/734,303, filed December 12, 2000, upon which applicant relies for the benefits provided in 35 U.S.C. § 120.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

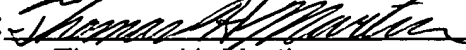
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: February 27, 2002

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